

REMARKS

Applicants reply to the Office Action dated November 2, 2011 within three months. Claims 1-25 are pending in the application and the Examiner rejects claims 1-25. Applicants respectfully request reconsideration of this application.

Rejections under 35 U.S.C § 103

The Examiner rejects claims 1-25 under 35 U.S.C. § 103(a), as being unpatentable over Basch et al., US Patent No. 6,658,393, ("Basch"), in view of Lawrence, U.S. Publication No. 2003/0225687 ("Lawrence"), Burrows, US Patent Application Publication No. 6,658,3932002/0091554 A1 ("Burrows"), Sehr, US Patent No. 6,926,203 A1 ("Sehr"), Acebo et al., US Patent No. 6,023,679, ("Acebo"), and Johnson et al., US Patent No. 6,999,943 B1, ("Johnson"). Applicants respectfully traverse these rejections. Moreover, Applicants assert that the Examiner has not established a *prima facie* case of obviousness for at least the following reasons.

The Examiner concedes on page 4 of the Office Action that Basch "does not explicitly disclose processing, by the computer system, the passenger name on the travel ticket, a travel date, a routing description of the travel ticket, an electronic ticket indicator and transaction variables through a fraud risk model to determine a probability of fraud for the transaction." The Examiner cites Burrows, Sehr, Acebo, Lawrence, and Johnson as providing support for the missing limitations. Specifically, the Examiner states "Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, Burrows, Sehr, Acebo, Johnson and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1 [0006])."

However, MPEP 2141 III explicitly states "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be

sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396." Here, the Examiner has provided a purported motivation to combine Lawrence with Basch (e.g. "motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1 [0006])), however, there is no support to combine Sehr, Acebo, Burrows, and Johnson with Basch. **For instance, the terms "risk" and "diligence" are entirely lacking from the disclosures of Burrows, Sehr and Acebo. Thus, Applicants respectfully submit the Examiner has not presented the *prima facie* case of obviousness.**

The Examiner is reminded "The examiner bears the initial burden of **factually supporting** any *prima facie* conclusion of obviousness." (emphasis added) MPEP 2142. "With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." *Id.* Applicants assert that the Examiner has not provided sufficient evidence to provide a *prima facie* case of obviousness. Specifically, Applicants note that the Examiner has not address many of Applicants' arguments specifically, "simply because travel tickets may have been purchased that included a passenger name, travel date, route, and/or electronic ticket indicator, there is no assertion by the Examiner that such items were used as transaction variables as part of a real-time fraud-risk evaluation."

Moreover, the cited art does not disclose or contemplate all the limitations of independent claims 1, 16, 24 and 25. For example, the cited art does not disclose or contemplate at least "processing, by the computer system, ...a travel date, a routing description of the travel ticket, an electronic ticket indicator ... through a fraud risk model to determine a probability of fraud for the transaction." The Office Action (on pages 4 and 5) contends this limitation is disclosed by a disparate combination of references and statements without any other explanation. For support, the Office Action states only "Burrows discloses processing an airline ticket, which is a travel ticket, including a passenger name, routing description (travel dates, departure and arrival locations and times and pricing (fares charged) and "other data" ([0005]) and Sehr discloses an electronic airline ticket number and an airline ticket number (Col. 23, l. 3; Col. 27, l. 12). Paragraph 0005 of Burrows discloses only retaining records should a dispute arise. There is nothing in Burrows regarding a fraud risk model. Col. 23 line 3 of Sehr is directed to admission

rights stored on a card. Col. 27, line 12 is directed to points being marked for use on airline travel being used on hotel reservations. This is not sufficient for presenting a *prima facie* case of obviousness.

Lawrence generally teaches “computerized methods and system for facilitating analysis and quantification of risk associated with a travel arrangement” (abstract). Specifically, Lawrence is directed to “generating in the computer system a risk quotient indicative of a quantitative amount of at least one of: reputational risk, physical risk, legal risk and regulatory risk; and the risk quotient is based upon at least one of: the risk criteria associated with the data descriptive of a travel arrangement; a weighted value of the data associated with such risk criteria; and the content of an informational artifact associated with the data descriptive of a travel arrangement.” (emphasis added) “Reputational risk, physical risk, legal risk and regulatory risk” is not analogous to a probability of fraud. In fact, Lawrence is silent as to “a probability of fraud”. Moreover, the risk factors disclosed in the cited portions of Lawrence appear to be physical risk factors not financial risks of fraudulent transactions. (see Paragraphs [0006], [0007], [0008] and [0011]). Moreover, Lawrence is silent to “determine(ing) a probability of fraud for the transaction” based on “the passenger name on the travel ticket, a travel date, a routing description of the travel ticket, an electronic ticket indicator and transaction variables.” Thus, similar to Basch above, Lawrence is also silent as to as “processing, by the computer system, the passenger name on the travel ticket, a travel date, a routing description of the travel ticket, an electronic ticket indicator and transaction variables through a fraud risk model to determine a probability of fraud for the transaction” recited by independent claim 1 (emphasis added, as amended) and similarly recited by independent claims 16, 24 and 25. Combination of Lawrence with the other cited references does not cure this deficiency.

As such, the cited references alone or in combination do not disclose or contemplate “processing, by the computer system, the passenger name on the travel ticket, a travel date, a routing description of the travel ticket, an electronic ticket indicator and transaction variables through a fraud risk model to determine a probability of fraud for the transaction,” as recited by independent claim 1 (as amended) and similarly recited by independent claims 16, 24 and 25.” Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Dependent claims 2-15, and 17-23 variously depend from independent claims 1 and 16. Therefore, Applicants assert that dependent claims 2-15, and 17-23 are patentable for at least the

same reasons stated above for differentiating independent claims 1, 16, 24 and 25, as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 2-15, and 17-23.

When a phrase similar to "at least one of A, B, or C" or "at least one of A, B, and C" is used in the claims or specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,



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By: Todd P. Komaromy
Reg. No. 64,680

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6321
Fax: 602-382-6070
Email: tkomaromy@swlaw.com